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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Daniel Mui

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9029

36257

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12/15/2003

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EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 12/15/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/655,733

Applicant(s)

MUI ET AL.

Examiner

Vernal U Brown

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-18 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-18 and 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 13.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### **DETAILED ACTION**

This action is responsive to communication filed on November 05, 2003.

#### ***Response to Amendment***

The examiner has acknowledged the amended claims 8, 16, and 24.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 8, 16, and 24 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-15, 16-18, 24-28 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 8-15 and 24-28, the applicant claimed a device other than audio-video equipment comprising a receiver storing control signals of functions to be performed by different pieces of audio-video equipment. It is not understood how a device other than audio-video equipment performs the function of an audio-video equipment.

Regarding claims 16-18, the claims are confusing because it is not clear to the examiner how the control codes stores in the receiver of the toy are used to control audio-video equipment.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9, 12-13, 15, 24, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al. U.S Patent 6309275 in view of Amano U.S Patent 4807052.

Regarding claim 8, Fong et al. teaches a device other than audio-video equipment (figure 1) comprising a receiver (34) of wireless control signals having protocols of signals emitted by a plurality of remote controls that individually emit their control signals with a different one of a plurality distinct signal protocol (col. 13 line 60- col. 14 line 2). Fong et al. further teaches the remote control is to control audio-video device (col. 13 line 36). Fong et al. also teaches the device having a decoder (24) connected to the receiver (figure 2) to identify the signal protocol of a received signal and performing the decoded function (col. 13 lines 35-40). Fong et al. is however not explicit in teaching the receiver of the wireless control signal simultaneously storing protocols of the control signal emitted by a plurality of remote control. Amano in an art related remote control electronic apparatus teaches receiver with a memory for simultaneously storing different signal pattern emitted by a plurality of remote controls of an electronic apparatus (col. 2 line 58-col. 3 line 16).

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It would have been obvious to one of ordinary skill in the art for the receiver of the wireless control signal simultaneously storing protocols of the control signal emitted by a plurality of remote control in Fong et al. as evidenced by Amano because Fong et al. suggests a receiver for receiving signal from different remote control protocol and Amano teaches an electronic device having a receiver with a memory for simultaneously storing different signal pattern emitted by a plurality of remote controls of an electronic apparatus.

Regarding claim 9, Fong et al. teaches the device comprises a sound generator and the function decoded by the decoder includes a sound control function that is performed with the sound generator (col. 5 lines 48-52).

Regarding claims 12-13, Fong et al. teaches the device include a toy which is either a stuff animal or a doll (figure 1).

Regarding claim 15, Fong et al. teaches the wireless control signal includes infrared radiation pulses (col. 6 lines 21-26).

Regarding claim 24, Fong et al. teaches an apparatus other than audio-video equipment (figure 1), comprising: a photo-detector (34) adapted to receive infra-red radiation and generate an output signal (col. 4 lines 55-56), a memory storing a library of a set of one or more infra-red signal patterns emitted by each of a plurality of remote controls of audio-video equipment (col. 13 line 60- col. 14 line 2), a signal decoder (24) connected to receive the photo-detector output and identify a match between a pattern of the output signal and one of the stored library of signal patterns for generating a control signal corresponding to the specific audio-video function of the

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matched library signal (col. 4 lines 31- 33). Fong et al. is however not explicit in teaching the receiver of the wireless control signal simultaneously storing protocols of the control signal emitted by a plurality of remote control. Amano in an art related remote control electronic apparatus teaches receiver with a memory for simultaneously storing different signal pattern emitted by a plurality of remote controls of an electronic apparatus (col. 2 line 58-col. 3 line 16).

It would have been obvious to one of ordinary skill in the art for the receiver of the wireless control signal simultaneously storing protocols of the control signal emitted by a plurality of remote control in Fong et al. as evidenced by Amano because Fong et al. suggests a receiver for receiving signal from different remote control protocol and Amano teaches an electronic device having a receiver with a memory for simultaneously storing different signal pattern emitted by a plurality of remote controls of an electronic apparatus.

Regarding claim 25, Fong et al. teaches the apparatus component includes a sound source and the designated function controls the sound source (col. 5 lines 48-52).

Regarding claim 28 Fong et al. teaches the apparatus other than audio-video equipment is installed within a toy (figure 1).

Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al. U.S Patent 6309275 in view of Amano U.S Patent 4807052 and further in view of Pope U.S Patent 5963624.

Regarding claim 16, Fong et al. in view of Amano teaches a toy (figure 1) comprising a sound generator (col. 5 lines 21-25), a receiver (34) of wireless control signals having protocols

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of signal emitted from a plurality of remote control (col. 13 line 60- col. 14 line 2) to specify a particular function to be performed (col. 2 lines 7-10). Fong et al. in view of Amano further teaches the remote control is to control audio-video device (col. 13 line 36). Fong et al. in view of Amano also teaches the device having a decoder (24) connected to the receiver (figure 2) to identify the signal protocol of a received signal and performing the decoded function (col. 13 lines 35-40). Fong et al. in view of Amano is however silent on teaching decoding the mute function and to mute the toy. Pope teaches a remote control having a mute function for muting the device (col. 1 lines 53-55).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function includes muting the sound generator in Fong et al. in view of Amano as evidenced by Pope because Fong et al. in view of Amano suggests learning the function of the remote control and it is typical of remote controllers to have mute button as evidenced by Pope.

Regarding claim 27, Fong et al. in view of Amano teaches the use of an audio-video remote control to control a sound producing device other than an audio-video device (col. 13 line 36, col. 5 lines 23-26) but is silent on teaching the designated function includes raising or lowering of sound source. Pope in an art related invention in the same field of endeavor of remote control teaches a remote control having the decoded sound control function includes adjusting a volume of sound emitted by the sound generator (col. 1 lines 59-63).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function to include adjusting a volume of sound emitted by the sound generator in Fong et al. in view of Amano as evidenced by Pope because Fong et al. in view of Amano suggests

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learning the function of the remote control and it is typical of remote controllers to have volume control function as evidenced by Pope.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Vernal Brown  
December 8, 2003

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

